

### **REMARKS AND ELECTION**

Support for the amendments to claims 3 and 11 are found in the specification at least at page 4, lines 5-18 and page 5, lines 11-13, and in original claim 1, 2 and 7. Support for the amendments to claims 9 and 12 can be found in the specification at least at page 11, lines 9-12. Support for new claims 10 and 13 can be found in the specification at least at page 2, lines 10-12.

Applicant submits that no new matter has been presented in this amendment.

### **RESTRICTION/ELECTION**

The Examiner has required restriction between:

- I. Claims 1-2, drawn to a method of inhibiting retrovirus replication.
- II. Claims 3, 5, 7 and 9 drawn to a method of treating mammalian breast cancer.
- III. Claims 4, 7 [sic, presumed to mean claim 6], 8, and 9 drawn to a method of treating human primary biliary cirrhosis.

Applicant elects, without traverse, invention II. Tenofovir and tenofovir disoproxil fumarate are the elected species. Amended claims 3 and 9, and new claims 10-13, all read on the elected invention.

### **RELATED APPLICATION**

This application claims subject matter that was related to application S.N. 11/040,929, now abandoned. The arguments for patentability set forth there are carried over to this application. The Examiner is particularly requested to reconsider her position in light of the data presented in the specification (page 4, lines 5-9 and 32-36) showing that different nucleoside analogues exhibit significantly different potencies. The metabolite

PMPApp is some 25-fold more potent than 3TCppp and some 11-fold more potent than FTCppp. Thus, the prior art regarding AZTppp does not render the claims obvious.

A favorable official action is earnestly solicited.

Please charge our Deposit Account No. 07-1250 for any fees due with this amendment.

Dated: September 1, 2010

Respectfully submitted,

By 

Allan N. Kutzeno

Registration No.: 38,845

GILEAD SCIENCES, INC.

333 Lakeside Drive

Foster City, California 94404

(650) 522-6101

(650) 522-5575 (Fax)

Attorney For Applicant